



MASSACHUSETTS SCHOOL OF LAW
at Andover

www.mslaw.edu

Five Hundred Federal Street, Andover, Massachusetts 01810 Voice: 978.681.0800 Data: 978.681.6330

November 20, 2009

The Honorable Burton R. Lifland
United States Bankruptcy Court
One Bowling Green
New York, NY 10004-1408

Re: In Re: Bernard L. Madoff Investment Securities LLC
No. 08-01789 (BRL)

Dear Judge Lifland:

I would like to call the Court's attention to the fact that a Petition, Memorandum of Law, Declaration and Proposed Order, filed under date of November 18th by Shearman & Sterling on behalf of the famous Madoff investor Carl Shapiro, state that the Trustee has refused to produce documents to Mr. Shapiro prior to a deposition demanded of him, although Mr. Shapiro has been required to and has produced documents to the Trustee - - 135,000 pages of documents, according to Shearman & Sterling. Shearman & Sterling's Memorandum of Law, at page 9, cites cases for the proposition - - which I would think universal in federal civil law - - that both sides in a case, not just one side, are required to produce documents.

Having myself requested discovery (thus far denied by the Trustee and SIPC) in a memorandum now pending before the Court, I call the Court's attention to the development of November 18th in case it may choose to address, in a single opinion, the obligation or non obligation of the Trustee and SIPC to make discovery to persons who object to and are litigating against decisions made by them. So far, I note, the Trustee and SIPC appear, both formally and informally, to be very widely, perhaps even universally, denying information and documents to persons who disagree with their decisions and actions, so that the experience of Mr. Shapiro and me would appear to be universal or nearly so.

Respectfully submitted,

\s\Lawrence R. Velvel
Lawrence R. Velvel
Massachusetts School of Law
500 Federal Street
Andover, MA 01810
Tel: (978) 681-0800
Fax: (978) 681-6330
Email: velvel@mslaw.edu